

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR03-90-RSL

Plaintiff,

v.

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

MICHELLE LUSTIG,

Defendant.

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on November 10, 2005. The United States was represented by Kelly Harris. The defendant was represented by Brian Tsuchida. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Possession of Stolen Mail on or about October 9, 2002. The Hon. Robert S. Lasnik of this court sentenced Defendant to 3 years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

USPO Todd Sanders alleged that Defendant violated the conditions of supervised release in five respects:

- (1) Failing to submit urinalysis for testing on June 15 and 17, 2005, and September 9, 2005, in violation of the special condition directing her to participate in the urinalysis screening program.
- (2) Failing to notify the probation officer ten days prior to changing employment, in violation of standard condition number six.
- (3) Failing to notify the probation officer within ten days of change of residence, in violation of standard condition number six.
- (4) Failing to return to the Central District of California on September 7, 2005 as instructed by the probation officer, in violation of standard condition number three.
- (5) Using methamphetamine on or about September 14, 2005, in violation of standard condition number seven.

At an initial hearing, I advised the defendant of these charges and of her constitutional rights. At today's hearing Defendant admitted the violations #1-5. Defendant waived any hearing as to whether they occurred, and consented to having the matter set for a deposition hearing before the Hon. Robert S. Lasnik. The Government has no objection to defendant's continued release pending the disposition hearing.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of her supervised release as alleged; and set the matter for a disposition hearing.

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PROPOSED FINDINGS

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1 Defendant has been released on continued supervision pending a final determination by the
2 court.

3 DATED this 21st day of November, 2005.
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8 MONICA J. BENTON
9 United States Magistrate Judge
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12 cc: Sentencing Judge : Hon. Robert S. Lasnik
13 Assistant U.S. Attorney : Kelly Harris
14 Defense Attorney : Brian Tsuchida
15 U. S. Probation Officer : Todd Sanders
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